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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/109,830	07/20/98	KENNELLY J	KE27-001

QM12/0920

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EXAMINER	
DEXTER, C	
ART UNIT	**PAPER NUMBER**
3724	2

DATE MAILED: 09/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/109,830	Kennelly et al.
Examiner	**Group Art Unit**
Clark F. Dexter	3724

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *1* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-18* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims *1-18* are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 2, 3 11, 4, 7-9, 10, 12 and 15-17, drawn to a fence/fence and cutting table with a lug adjuster, classified in class 83, subclass 438.

II. Claims 1, 2, 3, 11, 5 and 13, drawn to a fence/fence and cutting table with a specific shaft, classified in class 464.

III. Claims 1, 2, 3, 11, 6 and 14, drawn to a fence/fence and cutting table with a specific chain, classified in class 198.

IV. Claims 1, 2, 3, 11 and 18, drawn to a fence/fence and cutting table with a clamp bar tightener, classified in class 403.

2. Claims 3-10 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the lug adjuster of Group I). It is noted that if claim 3 as originally filed is determined to be patentable, rejoinder of claims 3-10 will be considered.

3. Similarly, claims 11-18 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the lug adjuster of Group I). It is noted that if claim 11 as originally filed is determined to be patentable, rejoinder of claims 11-18 will be considered.

4. The inventions are distinct, each from the other because of the following reasons:

5. Inventions of groups I and II are separate inventions. They are distinct because the invention of group I does not require the specific details of the shaft of group II for patentability as evidenced by the omission thereof from group I, and the invention of group II does not require the lug adjuster of group I for patentability as evidenced by the omission thereof from group II.

6. Inventions of groups I and III are separate inventions. They are distinct because the invention of group I does not require the specific details of the chain of group III for patentability as evidenced by the omission thereof from group I, and the invention of group III does not require the lug adjuster of group I for patentability as evidenced by the omission thereof from group III.

7. Inventions of groups I and IV are separate inventions. They are distinct because the invention of group I does not require the clamp bar tightener of group IV for patentability as evidenced by the omission thereof from group I, and the invention of group IV does not require the lug adjuster of group I for patentability as evidenced by the omission thereof from group IV.

8. Inventions of groups II and III are separate inventions. They are distinct because the invention of group II does not require the specific details of the chain of group III for patentability as evidenced by the omission thereof from group II, and the invention of group III does not require the specific details of the shaft of group II for patentability as evidenced by the omission thereof from group III.

9. Inventions of groups II and IV are separate inventions. They are distinct because the invention of group II does not require the clamp bar tightener of group IV for patentability as

evidenced by the omission thereof from group II, and the invention of group IV does not require the specific details of the shaft of group II for patentability as evidenced by the omission thereof from group IV.

10. Inventions of groups III and IV are separate inventions. They are distinct because the invention of group III does not require the clamp bar tightener of group IV for patentability as evidenced by the omission thereof from group III, and the invention of group IV does not require the specific details of the chain of group III for patentability as evidenced by the omission thereof from group IV.

11. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

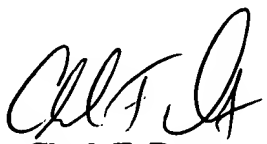
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**rinaldi.rada@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 USC 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
September 20, 1999